

Decision of a Sub-Committee appointed by the Executive Committee under Article 119 of the National Sporting Code, namely –

- Wade Paterson – Chairman.
- Barry Higham.
- Norman Oakley.

In the Matter of

1. 119 (a) (i)

An investigation to ascertain whether the results of the Nitto Tyres NZ Six Race Series were incorrectly made out.

2. 119 (a) (ii)

An investigation to ascertain if the inlet manifold of Car 4 Nitto Tyres NZ Six Race Series was in compliance with Schedule S6 (Commodore), one of the technical regulations of the class.

Hearing Details

The hearing took place by meeting in the William Dawson Room, 4th floor, Exchange Wing, The Southern Cross Hotel, Dunedin on the 26th May 2012 at 7.00pm. The participants being the sub-committee members, Paul Muir (competitor), Brian Budd (representing MotorSport New Zealand) and Daniel Cresswell (MotorSport New Zealand Technical Officer Licence No 21322).

Background

The Sub-Committee was tasked with investigating the eligibility of the inlet manifold of Car 4 with respect to Schedule S6 (Commodore), and as a consequence, if the results of the Nitto Tyres NZ Six Race Series were made out correctly or otherwise and as a result stand.

Hearing

The hearing was conducted in accordance with National Sporting Code Article 120. Brian Budd presented MotorSport New Zealand's case which was based on the technical report from Daniel Cresswell who was also present as a witness.

The inlet manifold from Car 4 was presented and the panel was shown where machining had been carried out.

Paul Muir's case was based around the diagram in the Nitto Tyres NZ Six Technical Regulations 2011 – 2012 Commodore Article 19.8.5 which he believed showed the lower picture as being the cylinder head itself. He presented a letter from his engine builder Mr S Crump who was of the same opinion. Considerable discussion revolved around this diagram with MotorSport New Zealand's view being that the lower picture simply showed a different view of the inlet manifold.

The measurements of the inlet manifold as taken by the technical officers were not contested by Mr Muir.

Mr Budd in summary stated that the inlet manifold on Mr Muir's car did not comply with the technical regulations for the Nitto Tyres NZ Six Race series and that the measurements as taken by the technical officers confirmed the breach.

Mr Muir in summary explained that he used professional people to prepare his car and relied on them to ensure that any such work that they performed was in accordance with the rules and regulations applicable to the class.

Finding

The Sub-Committee have reached the following findings in respect to the points they have been charged with considering:

- We find that the inlet manifold on Car 4 was in breach of Nitto Tyres NZ Six Race Series Technical regulations 2011 – 2012 Commodore Article 8.6.3.
- As a result we find that the results of the Nitto Tyres NZ Six Race Series were incorrectly made out.

Decision

Taking into account of all the factors put before them, the Sub-Committee FINDS that:

Manual 35 Appendix One - Schedule P, A2A.2 is applied:

- Paul Muir is fined \$100.
- Paul Muir has his competition licence endorsed for 1 month.
- Paul Muir is excluded from and including Round 2 through to and including the final round at Levels Motor Raceway on 23-25 March 2012.

Comment

The panel wishes to make the following comments:

- The panel are unanimously of the opinion that there was no deliberate intent on the part of Mr Paul Muir to have prepared or compete in an ineligible car. His reputation as an honest competitor remains intact in the panel's view.
- The diagram 19.8.5 in the Nitto Tyres NZ Six Race Series Technical Regulations Commodore Articles is both misleading and vague and needs to be clarified and more accurately drawn.
- The penalty applied is the minimum that the panel can apply. The loss of the championship is of much greater consequence to Mr Muir than any penalty this panel could impose.

On Behalf of the Sub Committee:



Wade Paterson
Chairman

At 3.30pm on 28th May 2012.

Right of Appeal

Attention is drawn to the right of appeal in accordance with the provisions of the National Sporting Code.

